

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY ALLEN WILLIAMS,
Plaintiff,
v.
SAMAUL CORTEZ, et al.,
Defendants.

No. 2:24-cv-2085 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By order filed December 20, 2024, plaintiff's request to proceed in forma pauperis was granted, and the complaint was screened. ECF No. 7. The court ordered that plaintiff be obligated to pay the statutory filing fee of \$350.00 for this action pursuant to 28 U.S.C. § 1915(b)(1). Id. at 1, 4. The court found that plaintiff did not state claims for relief against defendant Cortez, but had stated excessive force claims against Doe defendants 1-9. Id. at 3, 5. The court gave plaintiff twenty-one days to complete and return the Notice of Election form, notifying the court whether he wants to proceed on the screened complaint or whether he wants to file an amended complaint. Id. at 5. The time to notify the court of his election has long expired, and plaintiff has not notified the court of his election or otherwise responded to the court's order. Additionally, on December 26, 2024, the court received a notice from San Joaquin County Sheriff's informing the court that plaintiff is no longer incarcerated, and no inmate trust fund is available to pay the filing fee ordered by the court. ECF No. 9. Then on January 6, 2025, the

1 screening order and the filing fee payment order, ECF Nos. 7, 8, were returned as undeliverable.

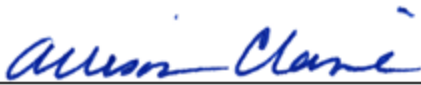
2 Although it appears from the file that plaintiff's copy of the order was returned, plaintiff
3 was properly served. It is the plaintiff's responsibility to keep the court apprised of his current
4 address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of
5 the party is fully effective. Moreover, pursuant to Local Rule 183(b), "[i]f mail directed to a
6 plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such
7 plaintiff fails to notify the Court and opposing parties within thirty (30) days thereafter of a
8 current address, the Court may dismiss the action without prejudice for failure to prosecute."

9 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a
10 district judge to this action.

11 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for
12 failure to prosecute. See Local Rule 110; Fed. R. Civ. P. 41(b).

13 These findings and recommendations are submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after
15 being served with these findings and recommendations, plaintiff may file written objections with
16 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
17 Recommendations." Plaintiff is advised that failure to file objections within the specified time
18 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
19 1991).

20 DATED: April 9, 2025

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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